

NOTICE OF EMERGENCY RULE REPEAL AND PROMULGATION

AGENCY: Department of Marine Resources

STATUTORY AUTHORITY: 12 M.R.S.A. Sections 6172 and 6192

RULE REPEAL AND PROMULGATION: DMR Regulation 95.04 DD, Closed Area No. 51, Winter Harbor, promulgated on January 19, 1990, is repealed and replaced with the following rule:

TEXT OF RULE: DMR Regulation 95.04 DD, Closed Area No. 51, Winter Harbor.

1. Effective immediately, because of pollution, it shall be unlawful to dig, take or possess any clams, quahogs, oysters or mussels taken from the shores, flats and waters of Winter Harbor inside and northerly of a line extending northwesterly from Sargent Point (Biggers Point) to the southern end of Harbor Point and continuing in a straight line northwesterly to a point with a red painted post on the northwestern shore of Sand Cove.

Violation of any provision of this regulation shall be a Class D Crime (12 M.R.S.A. Section 6204).

EFFECTIVE DATE: January 26, 1990

AGENCY CONTACT PERSON: Robert D. Lewis
Department of Marine Resources
State House - Station #21
Augusta, Maine 04333

BANGOR DAILY NEWS
January 31, 1990

STATEMENT OF FACT AND POLICY

As authorized by 12 M.R.S.A. Sections 6172 and 6192, the Commissioner of the Maine Department of Marine Resources repeals the emergency DMR Regulation 95.04 DD, Closed Area No. 51, Winter Harbor, promulgated on January 19, 1990, and replaces it with a new regulation. This new regulation decreases the area closed to harvesting and washing of shellfish. This prohibits harvesting of shellfish in Winter Harbor, Inner Harbor and the east side and head of Sand Cove. The western shore of Grindstone Neck remains closed to harvesting by Closed Area No. 51-B, DMR Regulation 95.04 HH, promulgated on December 4, 1989.

Department personnel have sampled Winter Harbor and determined that the waters are subject to intermittent microbiological pollution and are subject to risk of pollution from the presence of licensed wastewater discharges. Consequently, the harvest of clams, mussels, oysters and quahogs is prohibited to protect the public health.



E. PENN ESTABROOK
Deputy Commissioner



Maine Department of Marine Resources

Legal Notice of Shellfish Closure Area
For: Winter Harbor

C51 - Winter Harbor 1/26/90

